

REMARKS

Applicants have cancelled claims 1-12 and added claims 14-17. As such, claims 13-17 are pending.

Claim 13 is amended to specify that the yeast cells are of the strain *Saccharomyces cerevisiae* Hansen AS2.502. Support for this amendment appears in the specification on p. 20, line 15. Claim 13 is further amended to recite the time period of the EMF treatment as being 60-168 hours. Support for this amendment appears in the specification on p. 16, line 5. New claims 14-17 are supported by the original claim set. Thus, no new matter has been introduced by the amendments.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-13 have been rejected under 35 U.S.C. § 112, first paragraph for allegedly being not enabled. The Examiner acknowledges that the specification enables a yeast composition and a method of its preparation and administration in relation to *Saccharomyces cerevisiae* Hansen AS2.502. However, the Examiner contends that the specification does not enable any other yeast genera and species.

Applicant disagrees with this rejection. But in the sole interest of moving this case toward allowance, applicant has narrowed the scope of the yeast cells in claim 13 to *Saccharomyces cerevisiae* Hansen AS2.502. Applicant reserves the right to pursue broader claims in a continuing application.

The instant rejection can now be withdrawn.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-13 have been rejected for being vague and indefinite. Claims 1-12 have been cancelled, making the rejection of those claims moot. With regard to claim

13, the Examiner contends that the control yeast cells for the recited comparison should be cells of the same strain as the treated cells. The comparison language has been deleted, obviating the rejection of that claim.

Double Patenting Rejections

Claims 1-8 have been variously rejected under the judicially created doctrine of obviousness-type double patenting over applicant's prior patents and applications. The cancellation of claims 1-8 obviate the rejections.

Prior Art Rejections

Claims 1-8 have been variously rejected for being unpatentable over the prior art under 35 U.S.C. §§ 102 and 103. The cancellation of claim 1-8 obviate the rejections.

CONCLUSION

Applicant respectfully submits that the application as amended is in condition for allowance, and early, favorable action is solicited.

Respectfully submitted,



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